

## REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: August 6, 2018

ANALYST: Carolina Mongeon

## I. COMMITTEE:

PowerPAC.org  
 C90009853  
 Lisa Le, Controller  
 456 Montgomery St., Suite 1350  
 San Francisco, CA 94104

## II. RELEVANT STATUTE:

52 U.S.C. § 30104(c)  
 52 U.S.C. § 30104(g)(1)  
 11 CFR § 109.10

## III. BACKGROUND:

**Independent Expenditure Reporting Problems – Persons Other Than Political Committees (Form 5) (Failure to Timely File 24-Hour Reports)**

PowerPAC.org (“PowerPAC”) failed to timely file one (1) 24-Hour Report to support (1) one independent expenditure totaling \$75,023.67 disclosed in the 2017 Year-End Report, made during the reporting period after the 20<sup>th</sup> day but more than 24 hours before the day of the 2017 Special General Election for Alabama Senate (Attachment 2).

On December 18, 2017, the Reports Analysis Division (RAD) Analyst received a call from Lisa Le, PowerPAC’s controller. Ms. Le explained that PowerPAC failed to file a 24-Hour Report to support an independent expenditure made for the 2017 Alabama Senate Special General Election. The RAD Analyst encouraged Ms. Le to file the 24-Hour Report as soon as possible (Attachment 3).

On December 19, 2017, Ms. Le called the RAD Analyst and stated that PowerPAC would file a 24-Hour Report for independent expenditures made for the 2017 Alabama Senate Special General Election. The Analyst explained that PowerPAC may receive a Request for Additional Information (RFAI) because the 24-Hour Report would be filed after the election (Attachment 3).

On December 22, 2017, PowerPAC filed one (1) 24-Hour Report to support one (1) independent expenditure, totaling \$75,000.00, disseminated on December 2, 2017. PowerPAC indicated that the amount reported on the 24-Hour Report was an estimate (Image 201712229090329896).

On January 31, 2018, PowerPAC filed its 2017 Year-End Report covering the period from November 26, 2017 through December 31, 2017. Schedule 5-E (Itemized Independent Expenditures) of the report disclosed two (2) independent expenditures totaling \$85,097.23, made in support of one (1) federal candidate. PowerPAC failed to timely file a 24-Hour Report to support one (1) independent expenditure totaling \$75,023.67 for the 2017 Special General Election for Alabama Senate (Images 201801319091202332-44, Attachment 2).

On April 16, 2018, an RFAI was sent to PowerPAC referencing the 2017 Year-End Report. The RFAI noted that PowerPAC may have failed to timely file a 24-Hour Report for one (1) independent expenditure, totaling \$75,023.67, disclosed on Schedule 5-E (Image 201804170300003657).

On May 2, 2018, the RAD Analyst called Ms. Le to obtain an alternate mailing address to send the RFAI referencing the 2017 Year-End because the letter was returned as undeliverable (Attachment 3).

On May 4, 2018, the RAD Analyst emailed Ms. Le a copy of the RFAI referencing the 2017 Year-End Report and explained that the issue might be referred for potential further action (Attachment 3).

On May 21, 2018, PowerPAC filed a Miscellaneous Electronic Submission ("FEC Form 99") which stated, in full:

"This is in response to your letter dated April 16, 2018. The 24-hour notice for the requested independent expenditures was filed late. I was initially informed that the phone banking was Get-Out-To-Vote. Thus, the phone banking was not an independent expenditures [sic]. There was an internal discussion among project staff to change the nature of the phone calls to a persuasion of voters to vote for Doug Jones. Unfortunately the staff didn't inform me until much later of the changes. The dissemination date was 12/2/2017" (Image 201805219113311559).

On May 23, 2018, the RAD Analyst spoke with Ms. Le about the late filed 24-Hour Report. The Analyst explained that the late filed 24-Hour Report cited in the April 16, 2018 RFAI will be referred to another office at the Commission for further action (Attachment 3).

To date, no further communications have been received from PowerPAC regarding this matter.

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O-Index (2017-2018)  
 Cmte. ID: C90009853 Cmte. Name: POWERPAC.ORG  
 Treasurer Name: Address: 456 MONTGOMERY ST SUITE 1350, SAN FRANCISCO, CA 94104  
 Cmte. Type: I (INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER

Form Tp	Rpt Tp	A/I	Receipt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			12/20/2017	1	201712209089413537										
MS-T			5/21/2018	5	201805219113311126										
MS-T			5/21/2018	1	201805219113311559										
MS-T			5/29/2018	7	201805290300212615										
RQ7	Q2		8/4/2017	1	201708050300089085	4/1/2017	6/30/2017	8/4/2017							
RQ2	Q2	N	8/21/2017	3	201708220300092285	4/1/2017	6/30/2017	8/21/2017							
RQ7	YE		2/23/2018	1	201802230300101406	10/1/2017	12/31/2017	2/23/2018							
RQ2	YE	N	4/16/2018	3	201804170300003657	11/26/2017	12/31/2017	4/16/2018							
F5N	24	N	12/22/2017	4	201712229090329894					\$6,000	\$75,000				
F5N	24	N	4/14/2017	2	201704149052241863	4/13/2017	4/14/2017			\$0	\$14,617				
F5N	48	N	5/22/2017	2	201705229055131338	5/19/2017	5/21/2017			\$0	\$1,000				
F5A	48	A	8/12/2017	2	201708129070322972	5/19/2017	5/21/2017			\$0	\$750				
F5N	24	N	6/11/2017	2	201706119058429415	6/10/2017	6/10/2017			\$0	\$1,000				
F5A	24	A	8/12/2017	2	201708129070322974	6/10/2017	6/10/2017			\$0	\$251				
F5N	24	N	6/15/2017	2	201706159056533091	6/14/2017	6/14/2017			\$0	\$2,000				
F5A	24	A	8/12/2017	2	201708129070322976	6/14/2017	6/14/2017			\$0	\$1,200				
F5N	24	N	6/16/2017	2	201706169058920408	6/16/2017	6/17/2017			\$0	\$2,000				
F5A	24	A	8/12/2017	2	201708129070322978	6/16/2017	6/17/2017			\$0	\$1,200				
F5N	24	N	6/19/2017	2	201706199063502724	6/18/2017	6/19/2017			\$0	\$2,000				
F5A	24	A	8/12/2017	2	201708129070322980	6/18/2017	6/19/2017			\$0	\$1,363				
F5N	Q2	N	8/14/2017	4	201708149070343054	4/1/2017	6/30/2017			\$0	\$19,189				
F5A	Q2	A	12/20/2017	5	201712209089411046	4/1/2017	6/30/2017			\$20,000	\$19,189				
F5N	24	N	12/22/2017	3	201712229090330471	12/12/2017	12/12/2017			\$25,000	\$10,000				
F5N	YE	N	1/31/2018	13	201801319091202332	11/26/2017	12/31/2017			\$89,730	\$85,097				
Totals										\$140,730	\$235,859				

O-Index (2015-2016)  
 Cmte. ID: C90009853 Cmte. Name: POWERPAC.ORG  
 Treasurer Name: Address: 456 MONTGOMERY ST SUITE 1350, SAN FRANCISCO, CA 94104  
 Cmte. Type: I (INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER

Form Tp	Rpt Tp	A/I	Receipt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			3/12/2015	1	15950861305										
Totals										\$0	\$0				

O-Index (2013-2014)  
 Cmte. ID: C90009853 Cmte. Name: POWERPAC.ORG  
 Treasurer Name: Address: 456 MONTGOMERY ST SUITE 1350, SAN FRANCISCO, CA 94104  
 Cmte. Type: I (INDEPENDENT EXPENDITURE - PERSON OR GROUP NOT A COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER

Form Tp	Rpt Tp	A/I	Receipt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ2	YE	N	4/8/2015	2	15330080180	10/1/2014	12/31/2014	4/8/2015							
RQ7	YE		2/24/2015	1	15330077402	10/1/2014	12/31/2014	2/24/2015							
F5N	24	N	10/28/2014	3	14952553933	10/27/2014	10/28/2014			\$0	\$26,424				
F5N	YE	N	3/12/2015	3	15950861280	10/1/2014	12/31/2014			\$0	\$29,170				



**PowerPAC.org (C90009853)**  
2017 Year-End Report, received 1/31/2018.

**24-Hour Report Not Timely Filed**

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Supported	State and Date of Election	24-Hour Report Filed
Onyx Communications	12/2/2017	<b>\$75,023.67</b> <i>24-Hour Report Required</i>	Doug Jones	Alabama Senate Special General 12/12/2017	12/22/2017

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